The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 27

Filed by: Trial Section Merits Panel

Board of Patent Appeals and Interferences U.S. Patent and Trademark Office P.O. Box 1450

Alexandria, VA 22313-1450

Tel: 703-308-9797 Fax: 703-305-0942 Filed January 16, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

FAXED

PETER S. LINSLEY, PETER A. KIENER,
JEFFREY A. LEDBETTER, NITIN K. DAMLE,
AND WILLIAM BRADY
Senior Party,
(U.S. Patent No. 5,885,579),

JAN 1 6 2004.

PAT & T.M. OFFICE BOARD OF PATENT AFPEALS AND INTERFERENCES

JEFFREY A. **BLUESTONE**, PHILLIP M. WALLACE
PETER S. LINSLEY, JEFFREY A. LEDBETTER, NITIN K. DAMLE,
AND WILLIAM BRADY
Junior Party

(U.S. Patent Application 08/696,107).

Patent Interference No. 105,107 (MPT)

Before: LEE, SPIEGEL and TIERNEY, Administrative Patent Judges.

TIERNEY, Administrative Patent Judge.

FINAL JUDGMENT

Senior Party Bluestone has filed a request for entry of judgment adverse to Bluestone with respect to all counts in this interference (Counts 1-11). (Bluestone Request for Entry of

Interference No. 105,107 Page No. 2

Adverse Judgment, Paper No. 26). As Bluestone has requested adverse judgment, judgment on priority as to Counts 1-11 is entered against Bluestone. 37 C.F.R. §1.662.

Upon consideration of the record, it is:

ORDERED that judgment on priority as to Counts 1-11, the counts in the interference, is awarded *against* JEFFREY A. BLUESTONE, PHILLIP M. WALLACE, PETER S. LINSLEY, JEFFREY A. LEDBETTER, NITIN K. DAMLE and WILLIAM BRADY.

FURTHER ORDERED that JEFFREY A. BLUESTONE, PHILLIP M. WALLACE,
PETER S. LINSLEY, JEFFREY A. LEDBETTER, NITIN K. DAMLE and WILLIAM BRADY
is not entitled to a patent containing claims 39-49 of Bluestone, U.S. Application Serial No.
08/696,107, as they correspond to Counts 1-11.

FURTHER ORDERED that a copy of this final decision shall be placed and given a paper number in the file of Linsley et al., U.S. Patent No. 5,885,579 and Bluestone et al., U.S. Application No. 08/696,107.

JAMESON LEE

Administrative Patent Judge

Carol A Jougel

CAROL A. SPIEGEL

Administrative Patent Judge

MICHAEL P. TIERNEY

Administrative Patent Judge

MICHAEL P. TIERNEY

Administrative Patent Judge

AMD

INTERFERENCES

Interference No. 105,107 Page No. 3

cc (via Facsimile)

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